

House Bill 718 (AS PASSED HOUSE AND SENATE)

By: Representative Lindsey of the 54<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

To amend Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to pretrial intervention and diversion programs, so as to allow certain courts to create and administer pretrial intervention and diversion programs; to provide for court costs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to pretrial intervention and diversion programs, is amended by striking subsections (a), (f), and (g) of Code Section 15-18-80, relating to policy and procedure, and inserting in their respective places the following:

"(a) The prosecuting attorneys for each judicial circuit of this state shall be authorized to create and administer a Pretrial Intervention and Diversion Program. The prosecuting attorney for state courts, probate courts, magistrate courts, municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations shall also be authorized to create and administer a Pretrial Intervention and Diversion Program for offenses within the jurisdiction of such courts."

"(f) The prosecuting attorney shall be authorized to assess and collect from each offender who enters the program a fee not to exceed \$300.00 for the administration of the program. Any fee collected under this subsection shall be made payable to the general fund of the ~~county in which the crime is committed~~ political subdivision in which the case is being prosecuted.

(g) The prosecuting attorney shall be further authorized to collect restitution on behalf of victims. Any restitution collected under this subsection shall be made payable to and disbursed by the clerk of the court ~~in the county~~ in which the case would be prosecuted."

**SECTION 2.**

Said article is further amended by striking Code Section 15-18-81, relating to court costs, and inserting in lieu thereof the following:

"15-18-81.

The prosecuting attorney may assess court costs against the defendant for the dismissal of criminal warrants when the affiant is not a peace officer. Any fee collected under this subsection shall be made payable to the general fund of the ~~county in which the crime is committed~~ political subdivision in which the case is being prosecuted."

**SECTION 3.**

Said article is further amended by adding a new Code section to the end of the article to read as follows:

"15-18-82.

As used in this article, the term 'prosecuting attorney' means the individual responsible for prosecuting cases in superior courts, state courts, probate courts, magistrate courts, municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations."

**SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.